

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTONIO CASTRO, *et al.*,

Plaintiffs,

ORDER

-against-

22-cv-7949 (JGLC) (JW)

ACNY DEVELOPERS INC., *et al.*,

Defendants.

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JENNIFER E. WILLIS, United States Magistrate Judge:

This Court is in receipt of Plaintiffs’ letter motion seeking a conference regarding their request to file a second amended complaint naming an additional defendant. Dkt. No. 65. This Court is also in receipt of Defendants’ ACNY Developers, Inc. and William M. Kukielka’s (“ACNY Defendants”) letter seeking a conference to compel particularized responses to Defendants’ Interrogatories. Dkt. No. 66. Both requests for conference are DENIED. For the reasons stated below, Plaintiffs’ request to file an amended complaint is GRANTED. The amended complaint is to be filed by **April 8, 2024**. Defendants’ request to compel Plaintiffs to provide particularized interrogatory responses is also GRANTED. Such responses are due by **April 16, 2024**.

A. Plaintiff’s Request to Amend the Complaint

This Court previously entered an order extending the date to amend the complaint and join additional parties from January 5 to February 16, 2024. Dkt. No. 61. On February 16, 2024, Plaintiffs filed their letter seeking to amend the first amended complaint pursuant to Fed. R. Civ. P. 15(a)(2). Dkt. No. 65. Plaintiffs’ letter states that “at least one of the defendants has refused consent.” *Id.* Per this Court’s

Individual Practices Section II(A), any responsive letter was to be submitted within 3 business days. To date, this Court has received no communications opposing Plaintiffs' request to file a second amended complaint.

"Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that a court 'should freely give leave [to amend] when justice so requires.'" Gorman v. Covidien Sales, LLC, No. 13 Civ. 6486 (KPF), 2014 WL 7404071, at *2 (S.D.N.Y. Dec. 31, 2014) (quoting Fed. R. Civ. P. 15(a)(2)). Courts typically "allow a party to amend its pleadings in the absence of a showing by the nonmovant of prejudice or bad faith." Id. (quoting Block v. First Blood Assocs., 988 F.2d 344, 350 (2d Cir. 1993)).

In this Court's view, Plaintiffs letter requesting to amend was timely and Plaintiffs could have filed the proposed second amended complaint on February 16, 2024 without further leave of this Court per the prior order at Dkt. No. 61. Therefore, this Court finds no prejudice to the nonmoving party or bad faith on the part of Plaintiffs. The second amended complaint is to be filed by **April 8, 2024**.

B. ACNY Defendants Request to Compel

On February 22, 2024, ACNY Defendants filed a motion for conference to compel Plaintiffs to respond to discovery demands. Dkt. No. 66. ACNY Defendants also noted that the omnibus responses to interrogatories did not allow the ACNY Defendants to understand which of the twelve Plaintiffs each response corresponded to. Id. Per this Court's Individual Practices Section II(A), any responsive letter was to be submitted within 3 business days. To date, Plaintiffs have not filed a letter defending their interrogatory responses or productions to the ACNY Defendants.

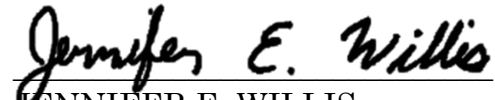
In this Court's view, the request for particularized responses seems reasonable and proportional to the needs of this case. Therefore, the ACNY Defendants' request

is GRANTED. Plaintiffs are directed to produced revised responses by April 16, 2024.

The Clerk of the Court is respectfully requested to close the motions at Dkt. Nos. 65, 66, and 67.

SO ORDERED.

DATED: New York, New York
April 5, 2024


JENNIFER E. WILLIS
United States Magistrate Judge